

Minutes of the Land Use, Parks and Environment Committee - August 5, 2003

The meeting was called to order at 8:30 a.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Pauline Jaske, James Jeskewitz, Scott Klein, William Mitchell, Daniel Pavelko, Vera Stroud

Staff Present: County Board Chief of Staff Lee Esler, Legislative Policy Advisor Mark Mader, Legis.Associate Sandra Meisenheimer

Also Present: Parks and Land Use Director Dale Shaver, Planning and Zoning Mgr. Dick Mace, Parks System Mgr. Jim Kavemeier, Principal Assistant Corporation Counsel Debbie Price, County Board Supervisors Kathleen Cummings (by conference call) and Pat Haukohl, Chairman Jim Dwyer

Public Present: Len Sousa and Henry Elling of Town of Summit

Approve Minutes of July 15, 2003

Motion: Jeskewitz moved, second by Stroud, to approve the minutes of 7/15/03. **Motion carried 7 – 0.**

Executive Committee Report

Kolb reviewed items that were discussed and/or considered at their last meeting on August 4, 2003.

Consider Proposed Ordinance: 158-O-043 Increase Walter J. Tarmann Parkland Acquisition Fund 2003 Expenditure Authority

Kavemeier was present to discuss the ordinance, which increases the 2003 Tarmann Fund expenditure budget by \$225,000 to fund the purchase of two parcels previously authorized in 2002. The available cash balance in this fund is currently \$2,871,000. Kavemeier stated this ordinance is really the result of procedure more than anything else.

Motion: Klein moved, second by Jeskewitz, to approve Proposed Ordinance 158-O-043. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-044 Waukesha Land Conservancy Partnership Acquisition Ruben Barsamian Property

Kavemeier pointed out the location of the property in the Town of Ottawa. He also showed photos of the property (interior view, rear view, etc.). This ordinance authorizes a grant to the Waukesha Land Conservancy in an amount not to exceed \$275,000 for the purpose of acquiring the land. The ordinance also authorizes the county to enter into an agreement with the Conservancy under which the county would have the option to purchase the property for \$275,000 in the event the Conservancy elected to sell it. Kavemeier stated this is consistent with the recommended Land Use Plan of the county and is part of the Park and Open Space Plan. The parcel is 334 acres with a price of \$800,000 at \$2,402.40 per acre. The county will contribute \$275,000, the State of Wisconsin - \$250,000 and the Land Conservancy - \$275,000. He stated the owner is willing to accept a lower price in order to preserve the land.

Motion: Klein moved, second by Jeskewitz, to approve Proposed Ordinance 158-O-044. **Motion carried 7 – 0.**

Special Order of Business: 9:15 a.m. – Owner's Claim for Damages to Animals – Paul J. Scholovich

Price was present to discuss Paul J. Scholovich's Claim for Damages to Animals in the amount of \$103. The claim states that on May 23, 2003 two husky-type stray dogs got inside a pen that was in Scholovich's barn and killed five (5) twelve pound turkeys. Price explained Chapter 174 which is the statute that governs dog claims and allows the County Clerk to pay for the claim from the Dog License Fund. Kolb asked did the owner of the two dogs ever come forward? Price said the follow up report from the deputy indicates that no one claimed the dogs after six days so HAWS allowed them to be adopted.

Motion: Stroud moved, second by Pavelko, to approve the payment of \$103 to Paul Scholovich.
Motion carried 7 – 0.

Consider Proposed Ordinance: 158-O-037 Amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, for the Town of Genesee by Conditionally Rezoning Certain Lands Located in Part of the SE ¼ of Section 23 and the N ½ of Section 26, T6N, R18E, Town of Genesee, from the B-1 Restricted Business District with Agricultural Overlay and C-1 Conservancy District to the B-1 Restricted Business and M-1 Limited Industrial Districts (SCZ-1450)

Mace reviewed the location of the rezoning, which has a chicken farm, compost and topsoil processing operation, truck repair, retail landscaping business and two (2) three-family units. The proposed land use will legalize the S & R Compost operation, which includes composting, topsoil processing and screening, and continue the use of the two, three-family units and the chicken farm operation, retail sales of bark and landscape material and a truck repair business. The Planning staff is recommending approval subject to thirteen conditions as outlined in the staff recommendation. The rezoning request is consistent with the Waukesha County Development Plan in the Industrial category and will not be detrimental to the wetland, floodplain or Genesee Creek. Mitchell said his only concern would be with the neighbors, but this is an industrial area with Generac Corp. in close proximity.

Motion: Pavelko moved, second by Mitchell, to approve Proposed Ordinance 158-O-037. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-038 Amend the Town of Vernon District Zoning Map of the Waukesha County Zoning Code for the Town of Vernon by Conditionally Rezoning Certain Lands Located in Part of the SW ¼ of Section 1, T5N, R19E, Town of Vernon, from the B-1 Restricted Business District to the B-3 General Business District (CZ-972B)

Mace located the rezoning in the Town of Vernon, which consists of 3.85 acres and is currently vacant. He stated the Town recommended approval subject to several conditions. The Planning staff is recommending approval as well since the rezoning complies with both the Waukesha County Development Plan and the Town of Vernon Master Land Use Plan, and it is compatible with surrounding zoning and business-type uses within the area.

Motion: Jaske moved, second by Pavelko, to approve Proposed Ordinance 158-O-038. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-039 Amend the Town of Vernon District Zoning Map of the Waukesha County Zoning Code for the Town of Vernon by Conditionally Rezoning Certain Lands Located in Part of the NW ¼ of the NE ¼ of Section 36, T5N, R19E, Town of Vernon, from the A-2 Rural Home District to the A-1a Agricultural District (CZ-1486)

Mace explained the rezoning which is to A-1a Agricultural District (1-acre minimum lot size) to allow the property to be divided into two (2) parcels. It is consistent with both the Town of Vernon Land Use Plan and the Waukesha County Development Plan. Jaske mentioned that it sounds contradictory to go from a Rural Home District to Agricultural, as it usually is the other way around. The property consists of 3.67 acres with the owners proposing to divide it into two lots for construction of a home for their daughter. The Planning staff is recommending approval.

Motion: Jaske moved, second by Jeskewitz, to approve Proposed Ordinance 158-O-039. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-040 Amend the District Zoning Map of the Town of Delafield Zoning Ordinance by Conditionally Rezoning Certain Lands Located in Part of the SE ¼ of Section 35 and the SW ¼ of Section 36, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, from the A-1 Agricultural District to A-2 Rural Home District (ZT-1484)

Mace explained the rezoning as detailed in the staff recommendation. The Planning staff had recommended that this request be referred back to the Town of Delafield for reconsideration of placing conditions on the rezoning to ensure that the area is preserved in its natural state to the greatest extent possible. The Planning staff feels that if the Town incorporates restrictions and conditions as noted in the ordinance and implements said restrictions, the staff could support the proposed amendment to allow two building sites on this eight-acre parcel. The Town of Delafield did reconsider the rezoning and has imposed two conditions as incorporated in Ordinance 158-O-040. Therefore, the Planning staff is recommending approval.

Motion: Jeskewitz moved, second by Pavelko, to approve Proposed Ordinance 158-O-040. **Motion carried 5 – 2; Jaske and Klein voting no.**

Consider Proposed Ordinance: 158-O-041 Repeal and Recreate the Zoning Code for the Town of Summit (ZT-1488)

Mace briefly explained the ordinance concerning the zoning code for the Town of Summit. The Town is requesting approval for a new and reorganized Zoning Ordinance in concert with their newly adopted Land Use Plan. The Planning staff is recommending approval.

Motion: Jaske moved, second by Jeskewitz, to approve Proposed Ordinance 158-O-041. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-042 Create Parkland on County Owned Buena Vista Properties

Shaver was present to discuss the ordinance. Supervisor Kathleen Cummings telephoned from Delaware to express her viewpoints. She stated she is asking for support for the subject ordinance because we need to move forward. The county has invested over \$750,000 for 5 properties, which at the moment cannot even be used for a staging area. The Waukesha City Council as a majority supported the rezoning requested by the county but because of a protest it needed 12 votes. This tells her that we are very close to a solution but we need another plan, which is why this ordinance is before the committee today. It is the only plan in writing to date. Cummings said should another plan come forward and accomplish the goal to provide zoning for the county and to keep parking out of Moor Downs Golf Course, we must support that plan. It is simply about getting the job done and serving the people of this community and county.

Klein asked how do we know that the Council will adopt this? Cummings said first it would go to the Planning Commission and then to the Council and there is support. He asked does she have anything in writing from the Alderman? Cummings said no but what is important is that they are listening, they're talking, and they're problem solving. They may come up with an even better plan which she would support.

Shaver gave background history. He stated in October of 2001, the county went through a master planning process by looking at all of the governmental campus properties and what made sense from a growth standpoint with the limitations on soils, utilities, linking of buildings -- that document was adopted by the county board. With that document staff was asked to pursue the rezoning consistent with the master plan. In October of 2002, the City Council denied the rezoning petition which was then a residential parcel that encompassed the Health and Human Services Building and golf course, as well as the Public Health Building at 615 W. Moreland, which is currently zoned Business. At the time of the denial they were told by the City that we should advance a rezone petition or start placing the parking and the jail to the east so that is what the county did. An acquisition capital project was sent to the County Board which was accepted. The county then purchased the five properties and submitted a rezone petition to the city to rezone them Institutional. The petition was submitted this past spring, and it was denied the first time by the City Council on May 4 by a 4 to 11 vote. It was brought back on June 17 and then received a supporting vote of 10 to 5, but because the statutes say there is a petition of more than 20% of the owners' land within 100 feet of the project, it requires a 3/4ths vote of the Council. Therefore, 12 votes are needed in support.

Shaver stated this past Friday he met with City of Waukesha Mayor Lombardi, City Council President Lapp, City Director of Community Development Steve Crandell, and County Executive Finley. Shaver said he was asked to resubmit the zoning petition with some modifications so it could be reviewed again. Twelve votes will still be needed and there are no guarantees that there are 12 votes in support. Shaver said because time is of the essence, his staff is preparing detailed plans for a parking lot to sit on top of the fifth tee box. That project will be brought forward this fall, if the other plan doesn't move forward.

Shaver referred to the Landscape Plan of the Waukesha County Justice Renovation and Expansion which he went on to explain. Shaver said they would resubmit the rezoning of the five properties as Institutional but as a conditional rezone. The conditions are: 1) no access to Buena Vista, 2) no development within 25 feet of the lot line except for grading and berming, 3) current code requires a minimum of a 25 foot setback from the right of way of the road or a minimum of 10 feet if berming is provided, and 4) the park code of the City requires that plants be a minimum of 2 feet and a maximum of 3 feet at the time of planting; since the intent is to provide a neighborhood buffer, a waiver to exceed 3 feet in planting height within the buffer area will be requested.

Mayor Lombardi has asked the county to do this and Alderman Lapp, who voted no the first time, is in support of it. Shaver stated the timeline is as follows: 1) the county will provide the City Council with a conceptual parking layout this week; the council asked for this so they can discuss it, 2) the county will have a formal rezoning submittal with the conditions to the City on or before August 19; the City Council will then refer it to their Planning Commission, 3) the Planning Commission will meet August 27 and review it, and 4) it will go to a September 16 City Council meeting and be brought back to a City Council meeting in early October for final action.

Kolb allowed Supervisor Haukohl to speak. Haukohl said this is an excellent proposal to send back to the City. She asked is it still necessary to meet the requirements of the super majority vote of the City Council? Shaver said the City representatives indicated the super majority vote would still be required because the overall intent is to rezone the area to Institutional. A lengthy discussion by the committee continued. There was general agreement by the committee and Supervisor Cummings that to table the ordinance at this time would be the best approach.

Motion: Jeskewitz moved, second by Jaske, to table Proposed Ordinance 158-O-042. **Motion carried 6 – 1; Stroud voting no.**

Motion to adjourn: Pavelko moved, second by Jeskewitz, to adjourn the meeting at 11:10 a.m. Motion carried 7 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

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